

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:18-cv-02069-TNM**

CENTER FOR BIOLOGICAL DIVERSITY v. U.S. FISH AND WILDLIFE SERVICE

Assigned to: Judge Trevor N. McFadden
Cause: 05:552 Freedom of Information Act

Date Filed: 09/04/2018

Jury Demand: None

Nature of Suit: 895 Freedom of Information Act

Jurisdiction: U.S. Government Defendant

Plaintiff

CENTER FOR BIOLOGICAL DIVERSITY

represented by **Ryan Adair Shannon**
CENTER FOR BIOLOGICAL DIVERSITY
P.O. Box 11374
Portland, OR 97211
(503) 283-5475 ext 407
Fax: (503) 283-5528
Email: rshannon@biologicaldiversity.org
ATTORNEY TO BE NOTICED

V.

Defendant

U.S. FISH AND WILDLIFE SERVICE

represented by **Rhonda Lisa Campbell**
U.S. ATTORNEY'S OFFICE FOR THE DISTRICT OF COLUMBIA
555 Fourth Street, NW
Washington, DC 20530
(202) 252-2559
Fax: (202) 252-2599
Email: rhonda.campbell@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

| Date Filed | # | Docket Text |
|------------|----------|--|
| 09/04/2018 | <u>1</u> | COMPLAINT against U.S. FISH AND WILDLIFE SERVICE (Filing fee \$ 400 receipt number 0090-5670149) filed by CENTER FOR BIOLOGICAL DIVERSITY. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Summons for U.S. Fish and Wildlife Service, # <u>3</u> Summons for U.S. Attorney, # <u>4</u> Summons for Attorney General)(Shannon, Ryan) (Entered: 09/04/2018) |
| 09/06/2018 | <u>2</u> | Corporate Disclosure Statement by CENTER FOR BIOLOGICAL DIVERSITY. (Shannon, Ryan) (Entered: 09/06/2018) |
| 09/06/2018 | | Case Assigned to Judge Trevor N. McFadden. (zsb) (Entered: 09/06/2018) |
| 09/06/2018 | <u>3</u> | SUMMONS (3) Issued Electronically as to U.S. FISH AND WILDLIFE SERVICE, U.S. Attorney and U.S. Attorney General (Attachment: # <u>1</u> Notice and Consent)(zsb) (Entered: 09/06/2018) |
| 09/07/2018 | <u>4</u> | ERRATA by CENTER FOR BIOLOGICAL DIVERSITY <u>1</u> Complaint, filed by CENTER FOR BIOLOGICAL DIVERSITY. (Attachments: # <u>1</u> Exhibit A to Complaint)(Shannon, Ryan) (Entered: 09/07/2018) |
| 09/17/2018 | <u>5</u> | STANDING ORDER establishing procedures for cases before Judge Trevor N. McFadden. The parties are hereby ORDERED to read and comply with the directives in the attached standing order. Signed by Judge Trevor N. McFadden on 9/17/2018. (lctnm3) (Entered: 09/17/2018) |

| | | |
|------------|-----------|---|
| 10/04/2018 | <u>6</u> | NOTICE of Appearance by Rhonda Lisa Campbell on behalf of U.S. FISH AND WILDLIFE SERVICE (Campbell, Rhonda) (Entered: 10/04/2018) |
| 10/04/2018 | <u>7</u> | RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 9/17/2018. Answer due for ALL FEDERAL DEFENDANTS by 10/17/2018. (Shannon, Ryan) (Entered: 10/04/2018) |
| 10/04/2018 | <u>8</u> | RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 9/13/2018. (Shannon, Ryan) (Entered: 10/04/2018) |
| 10/04/2018 | <u>9</u> | RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. U.S. FISH AND WILDLIFE SERVICE served on 9/12/2018 (Shannon, Ryan) (Entered: 10/04/2018) |
| 10/17/2018 | <u>10</u> | ANSWER to Complaint by U.S. FISH AND WILDLIFE SERVICE.(Campbell, Rhonda) (Entered: 10/17/2018) |
| 10/18/2018 | | MINUTE ORDER. Before the Court are a complaint and an answer in this FOIA case. It is hereby ORDERED that the parties shall meet and confer and file a Joint Status Report proposing a schedule for proceeding in this matter. The schedule should address, among other things, the status of Plaintiff's FOIA request, the anticipated number of documents responsive to Plaintiff's FOIA request, the anticipated date(s) for release of the documents requested by Plaintiff, whether a motion for an Open America stay is likely in this case, whether a Vaughn index will be required in this case, and a briefing schedule for dispositive motions, if required. The parties shall file the schedule on or before November 16, 2018. Signed by Judge Trevor N. McFadden on 10/18/2018. (lctnm3) (Entered: 10/18/2018) |
| 10/18/2018 | | Set/Reset Deadlines: Joint Status Report due by 11/16/2018. (hmc) (Entered: 10/18/2018) |
| 11/16/2018 | <u>11</u> | STATUS REPORT by CENTER FOR BIOLOGICAL DIVERSITY. (Attachments: # <u>1</u> Declaration)(Atwood, Amy) (Entered: 11/16/2018) |
| 11/16/2018 | <u>12</u> | STATUS REPORT by U.S. FISH AND WILDLIFE SERVICE. (Attachments: # <u>1</u> Exhibit)(Campbell, Rhonda) (Entered: 11/16/2018) |
| 11/19/2018 | | MINUTE ORDER: Upon consideration of the parties' <u>11</u> and <u>12</u> Status Reports, the following records production schedule is hereby ORDERED: the Defendants shall produce the first batch of documents responsive to the Plaintiff's FWS-2018-00258 request on or before January 18, 2019. All remaining records responsive to both of the Plaintiff's requests shall be produced on or before February 15, 2019. The parties shall file a Joint Status Report on or before March 1, 2019. This report shall propose a schedule for further proceedings as necessary. Signed by Judge Trevor N. McFadden on 11/19/2018. (lctnm3) (Entered: 11/19/2018) |
| 11/20/2018 | | Set/Reset Deadlines: Defendant's first batch of documents due by 1/18/2019. All remaining records due by 2/15/2019. Joint Status Report due by 3/1/2019. (hmc) (Entered: 11/20/2018) |
| 01/14/2019 | <u>13</u> | MOTION to Stay , MOTION for Extension of Time to <i>in Light of Lapse of Appropriations</i> by U.S. FISH AND WILDLIFE SERVICE (Attachments: # <u>1</u> Text of Proposed Order)(Hudak, Brian) (Entered: 01/14/2019) |
| 01/15/2019 | | MINUTE ORDER: Upon considering the Defendant's <u>13</u> Motion to Stay, it is hereby ORDERED that this matter shall be stayed until Congress has restored appropriations to the Department of Justice. It is further ordered that the Defendant shall notify the Court immediately upon resumption of appropriations. Signed by Judge Trevor N. McFadden on 1/15/2019. (lctnm3) (Entered: 01/15/2019) |
| 01/30/2019 | <u>14</u> | NOTICE of Restored Funding by U.S. FISH AND WILDLIFE SERVICE (Campbell, Rhonda) (Entered: 01/30/2019) |
| 01/30/2019 | | MINUTE ORDER: Upon consideration of the Defendant's <u>14</u> Notice, the Court hereby lifts the stay in this case. The parties are ORDERED to file a status report on or before February 6, 2019. This report shall provide an update on the status of production with respect to records responsive to the Plaintiff's FWS-2018-00258 request. The report |

| | | |
|------------|-----------|--|
| | | shall also propose a production schedule for all remaining records responsive to both of the Plaintiff's requests. SO ORDERED. Signed by Judge Trevor N. McFadden on 1/30/2019. (lctnm3) (Entered: 01/30/2019) |
| 01/30/2019 | | Set/Reset Deadlines: Joint Status Report due by 2/6/2019. (hmc) (Entered: 01/30/2019) |
| 02/05/2019 | <u>15</u> | Joint STATUS REPORT <i>and Proposed Schedule</i> by CENTER FOR BIOLOGICAL DIVERSITY. (Shannon, Ryan) (Entered: 02/05/2019) |
| 02/05/2019 | | MINUTE ORDER: Upon consideration of the parties' <u>15</u> Joint Status Report, it is hereby ORDERED that the Government shall produce a first batch of records responsive to FWS-2018-00258 on or before February 15, 2019. The Government shall produce all remaining records responsive to both FOIA requests on or before March 29, 2019. It is further ordered that the parties shall file a joint status report on or before April 26, 2019. This report shall provide an update on any remaining issues and propose a schedule for further proceedings if necessary. SO ORDERED. Signed by Judge Trevor N. McFadden on 2/5/2019. (lctnm3) (Entered: 02/05/2019) |
| 02/06/2019 | | Set/Reset Deadlines: Government's first production of records due by 2/15/2019. Government's remaining production of records due by 3/29/2019. Joint Status Report due by 4/26/2019. (hmc) (Entered: 02/06/2019) |
| 04/26/2019 | <u>16</u> | Joint STATUS REPORT by CENTER FOR BIOLOGICAL DIVERSITY. (Shannon, Ryan) (Entered: 04/26/2019) |
| 04/26/2019 | | MINUTE ORDER: Upon consideration of the parties' <u>16</u> Joint Status Report, it is hereby ORDERED that a further update shall be filed on or before May 31, 2019. This report shall inform the Court about the status of settlement negotiations and shall propose a schedule for further proceedings as necessary. Signed by Judge Trevor N. McFadden on 4/26/2019. (lctnm3) (Entered: 04/26/2019) |
| 04/26/2019 | | Set/Reset Deadlines: Joint Status Report due by 5/31/2019. (hmc) (Entered: 04/26/2019) |